IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 5605 of 2003(A)

CMP.3241/2001 IN MC.426/1999 of FAMILY COURT, MANJERI

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PETITIONERS/PETITIONERS:

1. K.ALI, S/O.LATE MOOSAKUTTY, AGED 49,
   KUNNATH HOUSE, P.O.EDAYOOR NORTH,
   VIA VALANCHERY, MALAPPURAM DISTRICT.

2. CHATHARAM KUNDIL KUNHIMUHAMMED,
   S/O.LATE C.K.MOIDU, AGED 45 YEARS,
   P.O.EDAYOOR, VIA VALANCHERY,
   MALAPPURAM DISTRICT.

BY ADV. SMT.M.C.BINDUMOL

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA REP. BY THE PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. KUNNATH MOHAMMED, S/O.LATE MOOSAKUTTY,
   P.O.EDAYOOR NORTH,VIA.VALANCHERRY,
   MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 5605 of 2003

ORDER

The petitioners are sureties to the counter petitioner in C.M.P.No.3241/01 in M.C.No.426/99 on the file of the Family Court, Manjeri. When the counter petitioner was brought under arrest consequent on non payment of maintenance decreed by the Family Court, he made payment of an amount of Rs.10,000/- and prayed for his release. Accordingly, the Judge, Family Court, enlarged him on bail on his executing bail bond for Rs.5,000/- with two solvent sureties each for like sums and directed the counter petitioner to appear before the court on the subsequent posting dates for making payment of the amounts due by way of maintenance. Consequent on non appearance of the counter petitioner in the said case, Annexures-I and II notices were issued by the Family Court respectively to petitioners 1 and 2, calling upon them to deposit the balance maintenance amount of

Rs.40,400/-. The said notices also did not afford any opportunity to the petitioners to show cause. The bail bond executed by the petitioners is only for forfeiture of an amount of Rs.5,000/- each in the event of the bond being forfeited consequent on non compliance with the conditions therein.

2. I, therefore, quash both Annexures-I and II. The Judge, Family Court, Manjeri, if need be, can proceed against the petitioners for enforcing payment of the amounts under the bond executed by them.

This Crl.M.C. is, thus, allowed.

3rd August, 2007 (K.P.Balachandran, Judge)

tkv